

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 18-cv-1776 (JRT/HB)

This Document Relates To: MDL Direct
Action Plaintiffs

ORDER

HILDY BOWBEER, United States Magistrate Judge

This matter is before the Court on a joint letter from all MDL Direct Action Plaintiffs (DAPs) and Defendants Seeking Guidance on Redactions in the DAPs' Amended Complaints [ECF No. 1378]. Defendants, whose confidential information is present in the DAPs' unredacted sealed amended complaints [ECF Nos. 1278, 1280, 1282, 1283, 1284, 1288, 1290, 1291, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316], ask that the Court establish a process to determine whether the sealed complaints should remain sealed.

Pursuant to Local Rule 5.6(e), "a party who seeks leave of court to file a document under seal other than in connection with a motion under LR 7.1 or an objection under LR 72.2 must obtain direction from the court on the procedure to be followed." This District's Electronic Case Filing Procedures for Civil Cases provide additional direction for a sealed complaint, however, requiring that "a motion to seal and supporting

documents must be filed when the sealed complaint is filed.”¹ That was not done here and, as the parties’ letter recognizes, must now be remedied.²

Given the stage of this case (i.e., that Defendants have already appeared), the Court agrees that Local Rule 5.6(d)(2), while not applicable on its face, provides an appropriate mechanism for this purpose. Therefore, DAPs and Defendants are directed to meet and confer and cooperate in the preparation and filing of a single Joint Motion Regarding Continued Sealing covering all of the DAP Amended Complaints, together with the supporting form, as described in L.R. 5.6(d)(2)(A). Insofar as redacted versions of the Amended Complaints have already been filed publicly, the form must reference those redacted filings. Furthermore, the meet-and-confer must include consideration of whether any of those redactions are no longer necessary, in which case revised redacted versions must be prepared and filed as exhibits to the joint motion and referenced on the sealing form. The joint motion and all supporting documents must be filed **no later than June 17, 2022**.

Unless the Court determines that a hearing or further briefing would be helpful, the Court will rule on the joint motion without oral argument. Objections to the order, requests for further consideration, and notification to nonparties (in the event the Court

¹ <https://www.mnd.uscourts.gov/sites/mnd/files/Civil-ECF-Procedures-Guide.pdf>.

² The Court notes that when Direct Purchaser Class Plaintiffs and Consumer Indirect Purchaser Class Plaintiffs filed their Second Amended Complaints, they adopted the process described by Local Rule 5.6(c)-(d) and filed a joint motion for continued sealing. [See ECF Nos. 418, 421.]

orders the unsealing of information that a nonparty has designated as confidential or proprietary) will be as described in Local Rule 5.6(d)(2)(C)–(D), (d)(3), and (d)(4).

IT IS SO ORDERED.

Dated: May 26, 2022

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge